

# STATE OF NEW YORK

244

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to creating the  
health emergency response data system

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 206-c to read as follows:

3 § 206-c. Health emergency response data system. 1. a. The health emer-  
4 gency response data system, referred to in this section as "HERDS", is  
5 hereby created in the department. The HERDS shall collect information  
6 and statistical data, referred to in this section as "HERDS informa-  
7 tion", relating to public health emergencies and health care services  
8 related to public health emergencies, in order to assist the department,  
9 other government entities, health care providers, and the public in  
10 understanding and responding to public health emergencies.

11 b. Individually identifiable HERDS information shall be kept confiden-  
12 tial. HERDS information disclosed under this section shall be aggregated  
13 so it cannot be individually identifiable, but it shall contain suffi-  
14 cient detail, so it refers to specific geographic areas and hospitals,  
15 as defined in article twenty-eight of this chapter.

16 c. The commissioner shall make regulations implementing this section.  
17 2. a. The HERDS shall collect HERDS information, including from  
18 surveys submitted by hospitals and other health care providers.

19 b. The HERDS shall be operated by the department, including the  
20 collecting and making available information, in conjunction with and to  
21 improve the department's fulfillment of its responsibilities under arti-  
22 cles twenty-one and forty-one of this chapter.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 § 2. Paragraph b of subdivision 2 of section 206-c of the public  
2 health law, as added by section one of this act, is amended to read as  
3 follows:

4 b. HERDS shall make HERDS information available to government enti-  
5 ties, health care providers, and the public, including posting on the  
6 department's website, as soon and as close to real time as practicable  
7 after it is collected but no later than seven days after it is received  
8 by the department.

9 c. The HERDS shall be operated by the department, including the  
10 collecting and making available information, in conjunction with and to  
11 improve the department's fulfillment of its responsibilities under arti-  
12 cles twenty-one and forty-one of this chapter.

13 § 3. This act shall take effect immediately; provided, however,  
14 section two of this act shall take effect on the sixtieth day after it  
15 shall have become a law. Effective immediately, the commissioner of  
16 health shall make regulations and take other actions reasonably neces-  
17 sary to implement each section of this act on its effective date.